

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Andrew K. de Heer, Esquire
DEHEER BUREAU ADVOCATO
2 Ice Pond Trail
Hockessin, DE 19707-9412
(856) 345-4911 – telephone
(800) 848-9286 – facsimile
deheer.esq@gmail.com
Attorney for Debtor, *SUSAN M. GANTUANGCO*

In Re:

SUSAN M. GANTUANGCO,
Debtor,

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2017 JUL 28 P 4: 57

FILED
JEANNE A. NAUGHTON, CLERK

JUL 28 2017

U.S. BANKRUPTCY COURT
CAMDEN, N.J.
BY LM DEPUTY

Case No.: 16-24978/ABA

Judge: ANDREW ALTENBURG

Chapter: 7

**DEBTOR'S OBJECTION TO MTGLQ INVESTORS, LP'S MOTION FOR
RELIEF FROM THE AUTOMATIC STAY**

Debtor, Susan G. Gantuangco, by and through her undersigned attorney(s), in the above-captioned Chapter 7 bankruptcy case (the "Bankruptcy Case"), hereby (i) opposes the *Motion for Relief from Automatic Stay*, filed July 13, 2017 (the "Motion"), and (ii) alleges that neither MTGLQ Investors, LP nor Shellpoint are listed on the claims register at present. By the Motion for Relief from Automatic Stay, the MTGLQ Investors seeks relief from the automatic stay in this Bankruptcy Case so that they can pursue a foreclosure action ("State Court Action").

1) The debtor respectfully submits that the Motion for Relief from the Automatic Stay should be denied because neither MTGLQ Investors, LP nor Shellpoint has filed a claim in this Bankruptcy Case and are therefore barred from presenting the motion at bar.

III.

JURISDICTION AND VENUE

2) This Court has jurisdiction over the Bankruptcy Case pursuant to 28 *U.S.C.* §§ 157 and 1334, and venue is proper under 28 *U.S.C.* §§ 1408 and 1409. The Motion for Relief from the Automatic Stay is core matter subject to 28 *U.S.C.* §§ 157(b)(2)(A) & (L) that this Court may considered under 28 *U.S.C.* § 157(b)(1).

3) There are fundamentally two (2) problems with the Motion as it is presented to the Court:

a. Neither MTGLQ Investors, LP nor its purported servicer, Shellpoint Mortgage Servicing has to date filed a claim and are therefore not indicated on the claims register.

b. None of the proofs submitted by counsel with his moving papers before the bench indicate a transfer or assignment of rights.

4) Moreover, the debtor duly presented a request for modification of the terms of her mortgage note to Nation Star Mortgage the original servicer of her mortgage note during the period of her petition and has not received any feedback.

5) Upon knowledge, information and belief, the debtor does not know the claimant and has not received any transfer and/or assignment of rights to date.

5) The Motion for Relief from Automatic Stay should therefore be denied as a matter of law.

6) Debtor, by and through her counsel has indicated to the Court that she has no recollection of receiving an assignment/substitution of rights. To wit, the debtor's right to discharge from the underlying obligation would be impaired if the Motion is granted.

7) For all the reasons set forth above, it is respectfully requested that Debtor's Objection to the Motion be sustained and that the post-bar date lien claimed by MTGLQ Investors, LP should be denied and that MTGLQ Investors, LP or any other party acting for and on his behalf be directed not to infringe upon the debtor's right to be discharged.

8) For all the reasons set forth above, it is respectfully requested that in the alternative, Debtor's Objection to the Motion be sustained and that the same claim be reduced to the extent that it infringes the debtor's right to be discharged.

WHEREFORE, Debtor, Susan M. Gantuangco respectfully requests that her objection be granted and that the Court should grant her such other relief as this Court may deem just.

Dated: July 28, 2017

Respectfully submitted,
DEHEER BUREAU ADVOCATO

By: 

Andrew K. de Heer
2 Ice Pond Trail
Hockessin, DE 19707-9412
(856) 345-4911 – telephone
(800) 848-9286 – facsimile
deheer.esq@gmail.com
*Attorney for Debtor, Susan M.
Gantuangco.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 28th day of July, 2017 by U.S. mail, postage pre-paid, upon the following:

All creditors listed on the attached matrix.

Douglas S. Stangler
Flaster Greenberg
646 Ocean Heights Avenue
Linwood, NJ 008221

Brian C. Nicholas, Esquire
KML Law Group, P.C.
216 Haddon Avenue
Suite 406
Westmont, NJ 08108

[OFFICE OF THE UNITED STATES TRUSTEE]

[COUNSEL FOR DEBTOR]

[DEBTOR]



Andrew K. de Heer